

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF VIRGINIA  
LYNCHBURG DIVISION

UNITED STATES OF AMERICA,

v.

Case No. 6:12CR00015

JAMES BOWERS JOHNSON

**MOTION FOR CONTINUANCE**

Defendant, James Johnson, by counsel, hereby moves for a continuance of the trial of his case now set for September 18, 2012 and in support thereof states:

1. Defendant stands charged by way of an indictment returned on April 5, 2012.
2. The court appointed the Federal Public Defender to represent Mr. Johnson on April 26, 2012.
3. On June 13, 2012, this Court held a hearing to assess Mr. Johnson's competency, to settle the issue of representation in light of Mr. Johnson's pro se court filings, and to rule on his request for release on bond. At the hearing, the undersigned orally moved to continue the case beyond the speedy trial limit noting that the issue of whether Mr. Johnson would accept attorney representation had only recently been resolved and that no discovery had been provided. Counsel for the United States explained that discovery would be forthcoming given that the representation issue had been resolved. The Court granted the motion to continue and thereafter the parties agreed on a trial date of September 18, 2012. At the time, the undersigned counsel believed that this allowed sufficient time to prepare for trial.
4. We underestimated. The first discovery installment consisted of nearly ten thousand pages of financial documents, business records, corporate records and witness interviews. The second discovery installment consisted of over 1,000 additional

documents and 97 recorded conversations lasting just under 20 hours. In addition, government counsel indicates that another batch of discovery is forthcoming.

5. We have reviewed the first round of discovery with Mr. Johnson who has provided approximately 2,000 pages of material which we need to review and determine whether follow up investigation is warranted. We have begun to review the second round of discovery but given the press of our responsibilities in other cases have not completed that review and do not anticipate completing that review for at least two weeks. Thereafter, we will still need to review whatever additional discovery is provided, complete witness interviews, and develop trial strategy.
6. The undersigned are not now and cannot be ready, taking into account due diligence, to try this case on September 18, 2012. Additional time is needed to obtain and review discovery and prepare for trial.
7. The Speedy Trial Act, 18 U.S.C. § 3161(h)(7)(A), recognizes that it is proper to grant a continuance on the motion of counsel to serve the ends of justice in order to afford counsel the reasonable time necessary for effective preparation where the ends of justice served by granting a continuance outweigh the best interests of the public and the defendant in a speedy trial. The ends of justice would be so served by granting a continuance in this case.
8. The undersigned has advised the United States that this motion is necessary and the United States has indicated that it has no objection to this request and that additional charges may be forthcoming in any event. The Clerk has advised that January 15-18, 2013 are available to try this case and both the undersigned and AUSA Hogeboom are available then.

Wherefore, James Johnson, by counsel, hereby requests that the trial of his case be continued and set on the date agreeable to counsel for the United States and the Court.

Respectfully submitted,

JAMES BOWERS JOHNSON

By: /s/ Randy V. Cargill  
Of Counsel

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*Counsel for Defendant JAMES JOHNSON*

CERTIFICATE OF SERVICE

I hereby certify that on the 17th day of August 2012, I served the foregoing Motion for Continuance upon Patrick Hogeboom, Assistant United States Attorney, P.O. Box 1709, Roanoke, VA 24008-1709 by electronic filing and I caused the original thereof to be filed electronically with Julia Dudley, Clerk, United States District Court, 210 Franklin Road, S.W. Roanoke, VA 24011.

By: /s/Randy V. Cargill  
Randy V. Cargill

